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	Doddinent 1 ago 1 et a	<u></u>
Fill in this in	formation to identify your case:	
Debtor 1	Brian Nathaniel Wheaton	
	First Name Middle Name Last Name	_
Debtor 2	Alicia Elizabeth Wheaton	
(Spouse, if filing		_
(Spouse, ir imig	, I not i talle	Check if this is an amanded plan and
United States	s Bankruptcy Court for the NORTHERN DISTRICT OF GEORGIA	Check if this is an amended plan, and list below the sections of the plan that have been changed. Amendments to sections not listed below will be
		ineffective even if set out later in this
Case number	:	amended plan.
(If known)		
Chapter 1	3 Plan	
NOTE:	The United States Bankruptcy Court for the Northern District of Gocases in the District pursuant to Federal Rule of Bankruptcy Proced Chapter 13 Plans and Establishing Related Procedures, General Orthe Bankruptcy Court's website, ganb.uscourts.gov. As used in this Order No. 21-2017 as it may from time to time be amended or super	lure 3015.1. See Order Requiring Local Form for der No. 21-2017, available in the Clerk's Office and or plan, "Chapter 13 General Order" means General
Part 1: No	tices	
To Debtor(s)	This form sets out options that may be appropriate in some cases, but the option is appropriate in your circumstances. Plans that do not comply judicial rulings may not be confirmable.	•
	In the following notice to creditors, you must check each box that applie	es.
To Creditors	: Your rights may be affected by this plan. Your claim may be reduce	ed, modified, or eliminated.
	Check if applicable.	
	☐ The plan provides for the payment of a domestic support obligation 4.4.	ion (as defined in 11 U.S.C. § 101(14A)), set out in §
	You should read this plan carefully and discuss it with your attorney if y an attorney, you may wish to consult one.	you have one in this bankruptcy case. If you do not have
	If you oppose the plan's treatment of your claim or any provision of this confirmation at least 7 days before the date set for the hearing on confirm The Bankruptcy Court may confirm this plan without further notice if no 3015.	mation, unless the Bankruptcy Court orders otherwise.
	To receive payments under this plan, you must have an allowed claim. If allowed unless a party in interest objects. See 11 U.S.C. § 502(a).	f you file a timely proof of claim, your claim is deemed
	The amounts listed for claims in this plan are estimates by the debto controlling, unless the Bankruptcy Court orders otherwise.	or(s). An allowed proof of claim will be
	The following matters may be of particular importance. Debtor (s) must not the plan includes each of the following items. If an item is checked checked, or if no box is checked, the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the checked of the provision will be ineffective even to the provision will be ineffective even to the checked of the provision will be ineffective even to the provision will be an even to the provision will be ineffective even to the provision will be an even to the provision will be a provision will be an even to the provision will be a provision will	d as "Not included," if both boxes are
	mit on the amount of a secured claim, that may result in a partial payment ment at all to the secured creditor, set out in § 3.2	t or no Included Not Included
§ 1.2 Avo	idance of a judicial lien or nonpossessory, nonpurchase-money security into out in § 3.4	terest, Included Not Included
	estandard provisions, set out in Part 8.	☐ Included ✓ Not Included
		- '
Part 2: Pla	an Payments and Length of Plan; Disbursement of Funds by Trustee to Ho	olders of Allowed Claims
1 10	und or I min, Dissolistical of I mins by II uside to II	variant committee

§ 2.1 Regular Payments to the trustee; applicable commitment period.

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Debtor		Alicia Elizabeth Wheaton	Case number
	The app	plicable commitment period for the	ne debtor(s) as set forth in 11 U.S.C. § 1325(b)(4) is:
	Chec	<i>k one:</i> 36 months	✓ 60 months
	Debtor((s) will make regular payments ("	Regular Payments") to the trustee as follows:
Regular Bankrup	Payment tcy Cour	s will be made to the extent neces	applicable commitment period. If the applicable commitment period is 36 months, additional sarry to make the payments to creditors specified in this plan, not to exceed 60 months unless the claims treated in § 5.1 of this plan are paid in full prior to the expiration of the applicable will be made.
The			ge as follows (If this box is not checked, the rest of § 2.1 need not be completed or reproduced. ages.):
§ 2.2	Regula	ar Payments; method of paymen	ıt.
	Regula	r Payments to the trustee will be i	nade from future income in the following manner:
	Check o	all that apply: Debtor(s) will make payments trustee the amount that should	pursuant to a payroll deduction order. If a deduction does not occur, the debtor(s) will pay to the have been deducted.
		Debtor(s) will make payments	directly to the trustee.
		Other (specify method of paym	nent):
§ 2.3	Income	e tax refunds.	
	Check o	one.	
		Debtor(s) will retain any incom	ne tax refunds received during the pendency of the case.
	✓	of filing the return and (2) turn commitment period for tax yea each year exceeds \$2,000 ("Ta	over to the trustee, within 30 days of the receipt of any income tax refund during the applicable rs 2019 - 2023, the amount by which the total of all of the income tax refunds received for x Refunds''), unless the Bankruptcy Court orders otherwise. If debtor's spouse is not a debtor in " means those attributable to the debtor.
		Debtor(s) will treat tax refunds	("Tax Refunds") as follows:
§ 2.4	Additio	onal Payments.	
	Check o	one.	
	y	None. If "None" is checked, th	re rest of § 2.4 need not be completed or reproduced.
§ 2.5	[Intent	ionally omitted.]	
§ 2.6	Disbur	rsement of funds by trustee to he	olders of allowed claims.
		bursements before confirmation owed claims as set forth in §§ 3.2	n of plan. The trustee will make preconfirmation adequate protection payments to holders of and 3.3.

(b) Disbursements after confirmation of plan. Upon confirmation, after payment of the trustee's statutory fee, the trustee will disburse Regular Payments, Additional Payments, and Tax Refunds that are available for disbursement to make payments to holders of allowed

claims as follows:

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Debtor	Brian Nathaniel Wheaton	Case number	
	Alicia Elizabeth Wheaton		

- (1) First disbursement after confirmation of Regular Payments. In the first disbursement after confirmation, the trustee will disburse all available funds from Regular Payments in the following order:
 - (A) To pay any unpaid preconfirmation adequate protection payments required by 11 U.S.C. § 1326(a)(1)(C) as set forth in § 3.2, § 3.3, and orders of the Bankruptcy Court;
 - (B) To pay fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3;
 - (C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in § 4.4; on the arrearage claims on nonpriority unsecured claims as set forth in § 5.2; and on executory contracts and unexpired leases as set forth in § 6.1; and
 - (D) To pay claims in the order set forth in § 2.6(b)(3).
- (2) Second and subsequent disbursement after confirmation of Regular Payments. In the second disbursement after confirmation, and each month thereafter, the trustee will disburse all available funds from Regular Payments in the order below. All available Regular Payments will be distributed to the claims in each paragraph until such claims are paid in full.
 - (A) To make concurrent monthly payments, including any amount past due under this plan: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3; on domestic support obligations as set forth in § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in § 5.2 and executory contracts and unexpired leases as set forth in § 6.1;
 - (B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the trustee's fee and the debtor's attorney's fees, expenses, and costs; and
 - (C) To pay claims in the order set forth in § 2.6(b)(3).
- (3) **Disbursement of Additional Payments and Tax Refunds.** The trustee will disburse the Additional Payments and Tax Refunds in the following order:
 - (A) To pay fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3;
 - (B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the trustee's fee and the debtor's attorney's fees, expenses, and costs;
 - (C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in § 5.2 and executory contracts and unexpired leases as set forth in § 6.1;
 - (D) To pay other Allowed Secured Claims as set forth in § 3.6;
 - (E) To pay allowed claims entitled to priority under 11 U.S.C. § 507, other than administrative expenses and domestic support obligations; and
 - (F) To pay nonpriority unsecured claims not otherwise classified as set forth in § 5.1 ("Unclassified Claims") and to pay nonpriority unsecured claims separately classified as set forth in § 5.3 ("Classified Claims"). The trustee will estimate the total amounts to be disbursed during the plan term (1) to pay Unclassified Claims and (2) to pay Classified Claims. Funds available for disbursement on these claims will be allocated pro rata to each class, and the funds available for disbursement for each class will be paid pro rata to the creditors in the class.
- (4) Unless the debtor(s) timely advise(s) the trustee in writing, the trustee may treat and disburse any payments received from the debtor(s) as Regular Payments.

Part 3: Treatment of Secured Claims

§ 3.1 Maintenance of payments and cure of default, if any.

Check one.

None. *If "None" is checked, the rest of § 3.1 need not be completed or reproduced.*

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Debtor	Brian Nathaniel Wheaton	Case number	
	Alicia Elizabeth Wheaton	_	

§ 3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The debtor(s) request(s) that the Bankruptcy Court determine the value of the secured claims listed below.

For each non-governmental secured claim listed below, the debtor(s) state(s) that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless the Bankruptcy Court orders otherwise, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each creditor checked below, debtor(s) will file a motion pursuant to Bankruptcy Rule 3012 and the Chapter 13 General Order to request determination of the amount of the secured claim.

For each listed claim below, the value of the secured claim will be paid in full with interest at the rate stated below. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan.

The trustee will make monthly preconfirmation adequate protection payments that 11 U.S.C. § 1326(a)(1)(C) requires to the creditor in the amount set out in the column headed *Monthly preconfirmation adequate protection payment*.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) payment of the amount of the secured claim, with interest at the rate set forth below, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Check only if motion to be filed	Name of creditor	Estimated amount of total claim	Collateral and date of purchase	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly pre- confirmation adequate protection payment	Monthly post -confirmation payment
	BMW Financial		2011 Chevrolet Avalanche 128000 miles						\$25.00 increasing to \$121.00 beginning December
	Services	\$ <u>5,197.30</u>	Opened 4/13	\$ <u>12,675.00</u>	\$ <u>0.00</u>	\$ <u>5,197.30</u>	6.50%	\$ <u>25.00</u>	<u>2021</u>
	BMW Financial Services	\$ <u>4,839.30</u>	2011 GMC Terrain 130000 miles Opened 4/13	\$ <u>5,575.00</u>	\$ <u>0.00</u>	\$ <u>4,839.30</u>	6.50%	\$ <u>25.00</u>	\$25.00 increasing to \$112.00 beginning December 2021
	Capital One Auto	\$ <u>6,217.64</u>	2011 Hyundai Sonata 120000 miles Opened 11/13	\$ <u>4,825.00</u>	\$ <u>0.00</u>	\$ <u>4,825.00</u>	6.50%	\$ <u>25.00</u>	\$25.00 increasing to \$144.00 beginning December 2021
✓	Internal Revenue Service	\$ <u>201.35</u>	All real and personal property	\$ <u>25,675.00</u>	\$ <u>14,861.00</u>	\$ <u>0.00</u>	5.50%	\$ <u>15.00</u>	\$15 <u>.00</u>

§ 3.3 Secured claims excluded from 11 U.S.C. § 506.

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Debtor	Brian Nathaniel Wheaton Alicia Elizabeth Wheaton	Case number	

Check one.

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee.

The trustee will make monthly preconfirmation adequate protection payments that 11 U.S.C. § 1326(a)(1)(C) requires to the creditor in the amount set out in the column headed *Monthly preconfirmation adequate protection payment*.

The holder of any claim listed below will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) payment of the amount of the secured claim, with interest at the rate set forth below, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Name of Creditor	Collateral	Purchase date	Estimated amount of claim	Interest rate	Monthly preconfirmation adequate protection payment	Monthly postconfirmation payment to creditor by trustee
Progressive Leasing	furniture	2015	\$ <u>1,732.28</u>	<u>5.50</u> %	\$ <u>15.00</u>	\$15.00 increasing to \$39.00 beginning December 2021

§ 3.4 Lien avoidance.

✓

Check one.

None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The judicial liens and/or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless the Bankruptcy Court orders otherwise, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the claim secured by the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the claim secured by the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan to the extent allowed. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Information regarding judicial lien or security interest	Calculation of lien avoidance		Treatment of remaining secured claim
Name of creditor	a. Amount of lien	\$ 2,400.00	Amount of secured claim after avoidance (line a minus line f)
Republic Finance	b. Amount of all other liens	\$ _18,186.00	\$ 0.00
	c. Value of claimed exemptions	\$ 20,477.70	
Collateral <u>Household Goods</u>	d. Total of adding lines a, b, and c	\$ 41,063.00	Interest rate (if applicable) _0.00

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Debtor Brian Nathaniel Wheaton Case number
Alicia Elizabeth Wheaton

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Lien identification (such as judgment date, date of lien	e. Value of debtor's interest in property - \$ 0.00	
recording) NPMSI	f. Subtract line e from line d. \$ 41,063.00	Monthly payment on secured claim
		\$
	Extent of exemption impairment (Check applicable box)	
	Line f is equal to or greater than line a. The entire lien is avoided (Do not complete the next column)	
	Line f is less than line a. A portion of the lien is avoided. (Complete the next column)	

§ 3.5 Surrender of collateral.

Check one.

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

§ 3.6 Other Allowed Secured Claims.

If the Bankruptcy Court determines the value of the secured claim, the portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan.

The holder of the claim will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) payment of the amount of the secured claim, with interest at the rate set forth above, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Part 4: Treatment of Fees and Priority Claims

§ 4.1 General.

Trustee's fees and all allowed priority claims will be paid in full without postpetition interest. An allowed priority claim will be paid in full regardless of whether it is listed in § 4.4.

§ 4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case.

§ 4.3 Attorney's fees.

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Debtor		Brian Nathaniel Wheaton Alicia Elizabeth Wheaton	Case	e number			
	\$ 4,98	(a) The unpaid fees, expenses, and costs owed to the attorney for the debtor(s) in connection with legal representation in this case are \$_4,950.00 . The allowance and payment of the fees, expenses and costs of the attorney for the debtor(s) are governed by General Order 22-2017 ("Chapter 13 Attorney's Fees Order"), as it may be amended.					
		(b) Upon confirmation of the plan, the unpaid amount shall be allowed as an administrative expense under 11 U.S.C. § 503(b) to the extent set forth in the Chapter 13 Attorney's Fees Order.					
		(c) The Bankruptcy Court may allow additional fees, expenses, and costs to the attorney for debtor(s) in excess of the amount shown in § 4.3(a) above upon application of the attorney in compliance with the Chapter 13 Attorney's Fees Order and after notice and a hearing.					
	(d) From § 4.3(a)		rmation, the attorney will receive paymen	t under § 2.6(b)(1) up to the allowed amount set forth in			
			amounts allowed under § 4.3(c) will be p ditional Payments, as set forth in § 2.6, un	ayable (1) at \$450.00_ per month from Regular ntil all allowed amounts are paid in full.			
	debtor(s attorney	(f) If the case is converted to Chapter 7 before confirmation of the plan, the debtor(s) direct(s) the trustee to pay to the attorney for the debtor(s) the amount of \$_2,500.00_ not to exceed the maximum amount that the Chapter 13 Attorney's Fees Order permits. If the attorney for the debtor(s) has complied with the applicable provisions of the Chapter 13 Attorney's Fees Order, the trustee will deliver, from the funds available, the stated amount or the maximum amount to the attorney, whichever is less.					
	\$ 2,50 forth in amount	(g) If the case is dismissed before confirmation of the plan, fees, expenses, and costs of the attorney for the debtor(s) in the amount of \$_2,500.00_,\$ not to exceed the maximum amount that the Chapter 13 Attorney's Fees Order permits, will be allowed to the extent set forth in the Chapter 13 Attorney's Fees Order. The attorney may file an application for fees, expenses, and costs in excess of the maximum amount within 10 days from entry of the order of dismissal. If the attorney for the debtor(s) has complied with the applicable provisions of the Chapter 13 Attorney's Fees Order, the trustee will deliver, from the funds available, the allowed amount to the attorney.					
		(h) If the case is converted to Chapter 7 after confirmation of the plan, the debtor(s) direct(s) the trustee to deliver to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.					
	(i) If the case is dismissed after confirmation of the plan, the trustee will pay to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.						
§ 4.4	Priority claims other than attorney's fees.						
	None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.						
	(a) Check one.						
		The debtor(s) has/have no domes reproduced.	stic support obligations. If this box is chec	ked, the rest of § 4.4(a) need not be completed or			
	(b) The	debtor(s) has/have priority claims	other than attorney's fees and domestic su	apport obligations as set forth below:			
Name	of credit	or		Estimated amount of claim			
Georg	jia Depai	rtment of Revenue		\$515.74			
IRS				\$0.00			

Name of creditor	Estimated amount of claim
Georgia Department of Revenue	\$515.74
IRS	\$0.00

Part 5: Treatment of Nonpriority Unsecured Claims

§ 5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata, as set forth in § 2.6. Holders of these claims will receive:

Check one.

✓ A pro rata portion of the funds remaining after disbursements have been made to all other creditors provided for in this plan.

Debtor	Brian Nathaniel Wheaton Alicia Elizabeth Wheaton Case number					
		o rata portion of s provided for in	the larger of (1) the sum of \$ this plan.	and (2) the funds re	maining after disbursements	have been made to all other
			_% of the allowed amount o editors provided for in this p		ata portion of the funds rema	ining after disbursements have
	<u> </u>	of the total amo	ount of these claims.			
	filed and	l allowed and (2)	to pay 100% of these claims the amounts necessary to pay er priority claims under Part	ay secured claims under Pa		on (1) the amount of claims, and expenses of the attorney
§ 5.2	Maintenance of payments and cure of any default on nonpriority unsecured claims.					
	Check of	ne.				
	✓	None. If "None	e" is checked, the rest of § 5	2 need not be completed o	r reproduced.	
§ 5.3	Other se	eparately classif	fied nonpriority unsecured	claims.		
	Check of	ne•				
	✓	None. If "None	e" is checked, the rest of § 5	3 need not be completed o	r reproduced.	
Part 6:	Execut	ory Contracts a	nd Unexpired Leases			
§ 6.1			s and unexpired leases liste d leases are rejected.	ed below are assumed and	l will be treated as specifie	d. All other executory
	Check of	ne.				
	✓	Assumed items	e" is checked, the rest of § 6. s. Current installment payme The final column includes on	ents will be disbursed direc	tly by the debtor(s). Arreara	ge payments will be disbursed e debtor(s).
Name o	of credito	r:	Description of leased prop	perty or executory	Estimated amount of	Monthly postconfirmation
Invitation	on Home	S	residential lease		arrearage \$0.00	payment to cure arrearage \$0.00
Part 7:	Vesting	g of Property of	the Estate			
§ 7.1	the debt	tor(s) only upon				n confirmation but will vest in ase without a discharge upon
Part 8:	Nonsta	ndard Plan Pro	visions			
§ 8.1	Check '	'None'' or List I	Nonstandard Plan Provision	ns.		
	✓	None. If "None	e" is checked, the rest of Par	t 8 need not be completed	or reproduced.	
Part 9:	Signatu	ires:				
§ 9.1	Signatu	res of Debtor(s)	and Attorney for Debtor(s	s) .		
	The debi	tor(s) must sign l	below. The attorney for the d	lebtor(s), if any, must sign	below.	

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Debto	or Brian Nathaniel Wheaton Alicia Elizabeth Wheaton	Case number
Ī	Signature of debtor 1 executed on August 6th, 2019	X /s/ Alicia Elizabeth Wheaton Signature of debtor 2 executed on August 6th, 2019
_	233 Ascott Lane Woodstock, GA 30189	233 Ascott Lane Woodstock, GA 30189
Ī	Richard McCarthy Signature of attorney for debtor(s)	Date: August 6th, 2019
I	King & King Law, LLC	215 Pryor Street, SW Atlanta, GA 30303-3748

By filing this document, the debtor(s), if not represented by an attorney, or the attorney for debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 Plan are identical to those contained in the Local Form for Chapter 13 Plans that the Bankruptcy Court for the Northern District of Georgia has prescribed, other than any nonstandard provisions included in Part 8.